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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,741	12/03/2003	James E. Rouleau	DP-307305 (60,408-387)	5833

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/726,741	ROULEAU, JAMES E.	
	Examiner	Art Unit	
	Suzanne Dino Barrett	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance: See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 12/13/05. These drawings are approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and drawings are confusing with regard to the release mechanism used in the embodiments of Figures 2 and 3. It is still not understood exactly how the release drive rotates the steering column in the embodiments of Figures 2 and 3 to reduce the load, as discussed on pages 12-13, paragraph [0025]. In the Figure 2 embodiment, it seems that the worm gear 52 with holes 54 to receive the lock bolt 18 is rotated, not the steering column itself. And in the Figure 3 embodiment, since the bolt engages the column directly, it is not clear how the release mechanism rotates the column.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,16-32, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Dimig et al 6,571,587. Dimig et al teach a steering column locking device comprising a lock bolt 14 arranged to engage either the steering column or an apertured gear affixed to the column (see col. 4, lines 30-40), an actuator 18 such as an electric, hydraulic or pneumatic motor (of any type as disclosed in col. 6, lines 30-36), and a worm and worm gear arrangement (of any type as disclosed in col. 6, lines 9-19) connected to the actuator to retract the lock bolt 14, and further including a release drive means for reducing the load on the lock bolt via a cam arrangement 32/38 in order to allow smooth retraction of the bolt when it is binding in the steering column or gear aperture. See col. 7, lines 43-50; col. 8, lines 10-15, 24-40; col. 12, lines 18-24, 53-60. Dimig et al also teach the use of sensors and a controller to activate the cam release drive (col. 10). It is noted that the method steps recited in claims 20-28 are considered inherent to the use of the Dimig device.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimig et al 6,571,587 in view of Bennett et al 5,862,886. Dimig et al teach the steering column lock described above, but fail to specify a load reduction means in which the steering column or apertured gear plate are rotated by the release drive means, as set forth in claim 2, especially. Bennett et al teach a load reduction system for a lock bolt 37 on an elevator car (the locked device), comprising load sensors 62,63 and motor and worm gear drive means 43,44, wherein the mechanism is pre-torqued before retraction of the bolt 37 in order to prevent binding of the bolt within the floor landing keeper 39, by activating the car hoisting motor to raise or lower the car a sufficient distance, to reduce the load on the bolt and release the binding effect. It would have been obvious to one of ordinary skill in the art to modify the load reduction means of Dimig et al by providing a movement of the steering column (the locked device) or apertured gear plate thereon to release the load on the lock bolt engaged therein, as taught by Bennett et al as an alternate means of mechanically effecting the release means that are currently practiced manually by drivers in rotating the steering wheel to release the binding effect on the lock bolt.

Response to Arguments

8. Applicant's arguments filed 12/13/05 have been fully considered but they are not persuasive. As set forth above, the rejection under 35 USC 112 still stands with respect to the release mechanism and the rotation or counter-rotation of the steering column. It is still not understood how the release drive rotates the steering column. It is noted that the Figure 3 embodiment does not even show the release mechanism 22 and in Figure 2, the release mechanism 22 appears to rotate the gear 52, not the steering column itself. Accordingly, the rejection is maintained. Furthermore, as best understood, it is maintained that the claimed invention is taught by Dimig '587. It is noted with respect to Applicant's arguments against the Bennett reference, that Bennett is only used to teach the concept of moving a locked device (elevator car), in the instant case the steering column, to release a binding force. Accordingly, the Examiner submits that Bennett is not non-analogous art and the rejection is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb